

CHAPTER 25

SPECIAL ASSESSMENTS

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ARTICLE I. IN GENERAL

SECTIONS 25-01 - 25-09. RESERVED.

ARTICLE II. DOWNTOWN DISTRICTS

DIVISION 1. GENERALLY

SECTION 25-1. ASSESSMENTS FOR DOWNTOWN IMPROVEMENTS AND PROMOTION.

For the year beginning January 1, 1982 and each year thereafter while this division is in force, there are hereby levied the following special assessments on properties located within the City:

1. Primary downtown assessment district. Upon the abutting property owners on Loudoun Street between Piccadilly and Cork Streets, a tax of twenty-three cents (\$0.23) for every one hundred dollars (\$100.00) of assessed value thereof; and

Editor's note--With the city's permission, provisions designated by Ord. No. 012-82, adopted July 13, 1982 as Ch. 19.3, §§19.3-1 - 19.3-3 have been redesignated as Ch. 19.5, §§19.5-1 - 19.5-3 in order to maintain Code format. In addition, at the editor's discretion, Art. I, §§19.5-01 - 19.5-09, has been added and reserved for general provisions relative to special assessments and 19.5-1 - 19.5-3 have been designated Art. II, Div. 1 in order to facilitate the inclusion of related material as Art. II, Div. 2. This chapter was renumbered to Chapter 25 as a part of 1995 City Code Recodification.

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2. Secondary downtown assessment district. Upon the abutting property owners on Piccadilly Street between Cameron and Braddock Streets; on Braddock Street between Piccadilly and Cork Streets; on Cork Street between Braddock and Cameron Streets; on Cameron Street between Cork and Piccadilly Streets; on Boscawen Street between Braddock and Cameron Streets; on Rouss Avenue between Loudoun and Cameron Streets; on Wolfe Street between Braddock Street and Indian Alley; and on Indian Alley between Cork and Piccadilly Streets, a tax of thirteen cents (\$0.13) for every one hundred dollars (\$100.00) of assessed value thereof; provided, however, no such assessment shall be made on any property whose use is exclusively residential. (Ord. No. 0-16-81 , 8-11-81; Ord. No. 012-82, 7-13-82; Ord. No. 017-91, 4-23-91).

SECTION 25-2. PURPOSE.

The above assessments shall be for the following purposes in the said assessment districts:

1. Making, improving, replacing, or enlarging the walkways;
 2. Construction or the use of sanitary or storm sewers, including curbs and gutters;
 3. Construction or installation of canopies or other weather protective devices;
 4. Installation of lighting.
 5. Construction or installation of permanent amenities including, but not limited to, benches or waste receptacles;
 6. Promotion.
- (Ord. No. 016-81, 8-11-81; Ord. No. 012-82, 7-13-82)

SEC. 25-3. COLLECTION OF TAXES.

The tax imposed by this chapter shall be administered, enforced and collected in conformity to the provisions of the following City Code sections:

1. The tax shall be due and payable pursuant to the provisions of §27-10.
2. Penalties for failure to file any required document or to pay the tax shall be imposed by §§27-2 and 27-6.
3. Interest shall be assessed on any unpaid amounts as per §§27-3 and 27-6.

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4. The provisions of §27-4 shall apply to any criminal charges or penalties.
5. Payments made by a taxpayer shall be credited in accordance with §27-5. The taxpayer making a payment towards the tax imposed by this chapter may direct that the payment be credited solely to the tax imposed by this chapter.
6. All enforcement and administrative powers of the commissioner of the revenue or the treasurer contained in this Code or the Code of Virginia shall apply to the administration, enforcement and collection of the tax imposed by this chapter. (Ord. No. 030-95, 08-08-95).

SECTIONS 25-4 - 25-15. RESERVED.

DIVISION 2. OLD TOWN DEVELOPMENT BOARD

SECTION 25-16. CREATION.

There is hereby created the Old Town Development Board. (Ord. No. 050-95, 10-17-95).

SECTION 25-17. COMPOSITION; APPOINTMENT; TERM.

The Old Town Development Board shall consist of eleven (11) members as follows: Four (4) members who own property or operate a business within the area subject to local assessment of local improvement under this chapter (3 year term). Three (3) members shall be at-large (3 year term) and shall be residents of the city. One (1) member who shall be a representative of the Business Development Committee of the Old Town Development Board and who shall own property or operate a business within the area subject to local assessment of local improvement under this chapter (3 year term). One (1) member who shall be a representative of an agency or organization affiliated with Old Town Winchester, to include merchants operating a business in Old Town Winchester (3 year term). There shall be the following members on the Old Town Development Board by reason of their status, who shall serve in such capacities during the term of their holding such office, without re-appointment, except that the County Supervisor and Councilor positions shall be appointed annually by a majority of the respective governing body:

1. One Frederick County Supervisor
2. One City Council member
3. City Manager

(Ord. No. 017-81, §2; Ord. No. 032-81, 12-8-81; Ord. No. 030-83, 9-13-83; Ord. No. 050-95, 10-17-95; Ord. No. 011-98, 5-12-98; Ord No. 004-2000, 3/14/00; Ord. No. 009-2004, 3-30-04).

Cross references--Administration, Ch. 2; Planning, Ch. 19.

Editor's Note--At the editor's discretion and pursuant to advice of the city, §19.5-17 of Ord. No. 011-98, enacted 5-12-98 has been included as §25-17.

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SECTION 25-18. VACANCIES.

Vacancies on the Old Town Development Board occurring otherwise than through the expiration of a term shall be filled for the unexpired term by election by the common council. (Ord. No. 017-81, §3, 8-11-81)

SECTION 25-19. COMPENSATION.

All members of the Old Town Development Board shall serve without compensation. (Ord. No. 017-81, §4, 8-11-81)

SECTION 25-20. ORGANIZATION; OFFICERS; QUORUM.

The members of the Old Town Development Board shall, immediately after their election and qualification, meet and organize. The board shall elect a chairman, vice-chairman, and such other officers as it may deem necessary. A majority of the members of the board shall constitute a quorum. (Ord. No. 017-81, §5, 8-11-81)

SECTION 25-21. PURPOSES; POWERS AND DUTIES.

The Old Town Development Board shall be responsible to the common council for the improvement, maintenance, development, planning, and promotion of downtown Winchester, and shall control and manage such funds as are allocated to it, by the common council or any other source, for the foregoing purpose. The board may employ, on such terms and conditions as it shall determine, such persons as may be necessary to accomplish the purposes for which the board is created. (Ord. No. 017-81, §6, 8-11-81)

SECTION 25-22. REPORTS AND BUDGETS.

At least once each year at such time as may be requested by the common council, the board shall make a full report to council showing the activities of the board for the preceding year, and the state of the downtown area, and the plans of the board for the future. Each year, the board shall also submit to council a properly audited financial report showing receipts from all sources and all disbursements, and shall also submit a proposed budget for the coming year. (Ord. No. 017-81, §7, 8-11-81)

Editor's Note--At the editor's discretion and pursuant to advice of the city, §1-7 of Ord. No. 017-81, enacted Aug. 11, 1981 have been included as herein set out in §§25-16 - 25-22. Said provisions did not expressly amend the Code.

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SECTIONS 25-23 - 25-29. RESERVED.

ARTICLE III. LAW LIBRARY ASSESSMENT

SECTION 25-30. LAW LIBRARY ASSESSMENT.

The law library assessment for the filing of each civil suit by any person in any of the several courts for the City shall be Three Dollars (\$3.00), pursuant to the authority provided in §42.1-70 of the Code of Virginia (Supplement 1988).

In no such suit to which the City is a party shall the City be subject to the assessment herein provided, either in the filing of any suit or as costs assessed in such suit.
(Ord. No. 015-81, 7-14-81; Ord. No. 032-88, 9-13-88; Ord. No. 031-93, 10-12-93)

ARTICLE IV. ASSESSMENT FOR COURTHOUSE CONSTRUCTION

SECTION 25-31. ASSESSMENT FOR COURTHOUSE CONSTRUCTION, RENOVATION OR MAINTENANCE - CRIMINAL AND TRAFFIC CASES.

There is hereby assessed, as a part of the fees taxed as costs in (i) each civil action filed in the district or circuit courts for the City of Winchester and (ii) each criminal or traffic case in the district or circuit courts for the City a sum in the amount of Three Dollars (\$3.00).

The assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the city treasurer. Such assessments shall be held by the treasurer for disbursements at the direction of Council solely for the purposes of the construction, renovation or maintenance of the courthouse or jail and court-related facilities, and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance of same. The total assessments in any case pursuant to this section and Section 25-30 shall not exceed Six Dollars (\$6.00).

Except as limited herein, this assessment shall be in addition to any other fees prescribed by law. (Ord. No. 030-90, 8-14-90; Ord. No. 011-92, 8-11-92; Ord. No. 032-93, 10-12-93)

State Law Reference--Code of Virginia, §§14.1-133.2, effective July 1, 1990.

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